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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NO. C 05-00829 JW
NO. C 07-03156 JW

In Re Bimbo Bakeries USA FLSA Actions

**ORDER CONSOLIDATING CASES;
ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

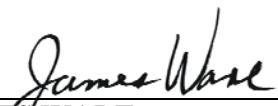
The Court conducted a Case Management Conference on November 19, 2007. Counsel for the respective parties where present. Based on the discussion with the parties, the Court orders as follows:

- (1) In light of Plaintiffs' non-opposition to consolidation, the Court GRANTS Defendants' motion to consolidate C 05-0829 JW and C 07-3156 JW. Since CV 05-0829 JW was the first to file case, it shall be the lead case. Counsel for Plaintiffs in the Thomas Leonard action and Counsel for the Plaintiffs in the Kathleen Morrison are appointed as co-lead counsel. All future filings shall be filed in the C 05-0829 case only and shall bear the caption: "***In Re Bimbo Bakeries USA FLSA Actions.***"
- (2) Plaintiffs shall file a Consolidated Amended Complaint by **November 30, 2007**.
- (3) The Court sets **January 28, 2008 at 9 AM** as a hearing date for cross-motions with respect to the issues of: (1) whether claims asserted in the Consolidated Amended Complaint should be dismissed in light of the Court's September 28, 2007 Order Granting in part Denying in Part Cross-Motions for Summary Judgment; (2) whether

1 notice should be issued to members of the conditional FLSA class; and (3) whether
2 the Court should set a hearing for a motion to decertify the conditional FLSA class.
3 Defendants' current Motion for Decertification is deemed withdrawn.

4 (4) In light of the consolidation, the current Scheduling Order is VACATED. The Court
5 will set a new schedule at the **January 28, 2008** Further Case Management
6 Conference.

7
8 Dated: November 21, 2007


9 JAMES WARE
10 United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: November 21, 2007**

Richard W. Wiking, Clerk

9
10 By: /s/ JW Chambers
10 **Elizabeth Garcia**
11 **Courtroom Deputy**
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